

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

CHAD WILLIAM REED,
Plaintiff,

v.

Case NO: CIV-21-245-JFH-SPS

SCOTT CROW, et. al,
defendants.

FILED

SEP - 3 2021

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

MOTION TO COMPEL

Comes Now, Plaintiff, Chad William Reed, Pro Se, with this Motion to Compel, by hereby seeking help from the Honorable Court with the following Issues.

1. Plaintiff request a Copy of the Complaint he filed with the Court So he Can get Copies made and do Process service on the (3) three Defendants: here's why;

Your honor, as the Court Can see in (Doc[#] 1) the Complaint, it is hand written and the Court can see that it recieved the only Original Copy. The reason Plaintiff had to send his one and only Copy is because he has been denied Access to the law library here at Davis Correctional Facility once I told them about my lawsuit ~~and~~ deadline of August 22, 2021, and that I was suing Core Civic of America (C.C.A.). So Plaintiff was denied Access to

the law library so he could make those copies so a complaint and summons could be properly served on the Defendants.

2. Plaintiff request an Order from this Honorable Court To Davis Correctional Facility Law Library Supervisor to allow this Plaintiff access to the Law library so Plaintiff can make (3) three copies of the Complaint so Plaintiff can properly serve the Defendants in this case; here's why;

Under O.D.O.C. Policy / O.P.-030115 Access to the Courts / Law library, Section (IV.) (D) (see Exhibit "A" attached) this Plaintiff is dependent on the law library for his legal photo copying services. (Exh. A, page 1)

The law library Supervisor, Mrs Vance was made aware of my deadline of August 22nd, 2021, to file and I was denied access from 7-21-2021 till Plaintiff could not wait any longer and was forced to mail his ~~Q~~ His Complaint on 8-16-2021 without being able to get his copies done.

3. Plaintiff request an Order from this Honorable Court to Davis Correctional Facility Law library Supervisor to give Plaintiff equal treatment of O.D.O.C. Policy which states Plaintiff is to receive at least two (2) hours a week access to the law library; here's why;

This Plaintiff has the right to Access to the Courts under *Bounds v. Smith*, 430 U.S. 817 (1976); *Johnson v. Avery*, 393 U.S. 483 (1969) "Prisoners right of Access to the Courts may neither denied nor obstructed"; and equal treatment of Policy, see *Mackenzie v. Rockledge*, 920 F.2d 1554 (11th Cir 1991): "Unequal application of regulations may violate Equal Protection Clause of the Constitution"; also *Schering v. Shalala*, 995 F.2d 1103

(D.C. Cir. 1993): "No matter what agency has said in the Past, or what it did not say, after agency issues regulations, it must follow them."; and Plyler v. Doe, 457 U.S. 202 (1982): "The Fourteenth Amendment's equal protection Clause extends to anyone, citizen, or alien who is subject to the laws of a State." This circumstance also qualifies under Lewis v. Casey, 518 U.S. 343, 351-53, 116 S.Ct. 2174 (1996) because: Plaintiff:

- (1) he was, or is, suffering "actual injury" by being "frustrated" or "impeded", Lewis, 518 U.S. at 353; (don't have copies of the Complaint to serve defendants);
- (2) in bringing a non-frivolous claim, Lewis, 518 U.S. at 355; and
- (3) about his criminal conviction or sentence or the conditions of his Confinement, Lewis, 518 U.S. at 351-53.

Therefore Plaintiff request equal treatment of O.D.O.C. Policy / O.P.-030115-Section (V.) (A.) (see Exhibit "A", page 2-3 attached) so that Plaintiff "will be Provided at least two (2) hours a week access to the law library," and humbly request a Order from this honorable Court so Plaintiff can Proceed in this Case and obtain service on the defendants.

Wherefore Plaintiff Prays for the relief as is requested,

Respectfully Submitted,
 Chad William Reed
 Chad William Reed #584428
 C-S-160

Davis Correctional Facility
 6888 East 133rd Road
 Holdenville, OK 74848

Section-03 Facility Operations	OP-030115	Page: 8	Effective Date: 10/29/2019
--------------------------------	-----------	---------	----------------------------

D. Photocopying Services for Documents

Legal photocopying services will be available during regular law library hours.

1. Requests for photocopies will be initiated by the inmate by submitting "Inmate's Request for Disbursement of Legal Costs" form (DOC 030115A) to the law library supervisor.
2. Inmates will be charged 25¢ cents per copy (i.e., one page front and back would total 50¢ cents).
3. Inmates who do not have enough funds to cover the cost of photocopying and who have a court-imposed or rule-imposed deadline will be provided the requested service. The cost of photocopying will be collected as soon as funds become available in his or her trust fund. Inmates with funds to cover the costs of photocopying and who desire a working copy of their pleading will be provided the requested service.
4. When legal photocopying services are denied, reasons for such denial will be documented on "Inmate's Request for Disbursement of Legal Costs" form. The law library supervisor may deny legal photocopying services if the material is:
 - a. Not of a legal nature or not to a legal correspondent as defined in OP-030117 entitled "Correspondence, Publications, and Audio/Video Media Guidelines" (Example: A copy of a program completion certificate for personal use);
 - b. Unreasonably voluminous;
 - c. Of poor copy quality;
 - d. Not for purposes of judicial legal redress relating to post conviction relief or conditions of confinement;
 - e. Solely a working copy when the inmate lacks the necessary funds;
 - f. In excess of the judicial requirements for the number of required sets for distribution (Examples: Requesting ten copies of a pleading when there are only three defendants; the attaching of exhibits to a pleading that does not allow the attachment of exhibits); or
 - g. Duplicate material is already available to the judiciary and opposing counsel (Example: Copies to both the defendant and to his or her attorney).

Exhibit A" page 1

Section-03 Facility Operations

OP-030115

Page: 9

Effective Date: 10/29/2019

5. The law library supervisor will ensure the photocopies are available within 48 hours (excluding weekends and holidays) after the documents were submitted for photocopying. Staff will only view material for photocopying to the extent necessary to determine whether appropriate for legal photocopying and to ensure legible copying by the machine.
6. Photocopying services will be provided by the law library supervisor.
7. At no time is an inmate to have access to a copier/printer/scanner without permission from the law library supervisor.

E. Postage/Envelopes

1. To assist inmates in making confidential contact with the courts and their attorneys of record relating to conditions of confinement or post-conviction relief, postage/envelopes to the courts and the inmate's attorney will be provided by the facility at cost to the inmate.
 - a. An "Inmate's Request for Disbursement of Legal Costs" form will be completed for all requests for postage/envelopes from the law library. The inmate may purchase the postage or envelopes from the facility canteen.
 - b. For those inmates without funds available at the time of the request, the costs will be collected from the inmate as soon as funds become available in his or her trust fund.
2. Certified mail services will be available to inmates, at cost to the inmate, to document the first delivery of the complaint/petition/petition in error to the court clerk only, at both district and appellate level.
 - a. An "Inmate's Request for Disbursement of Legal Costs" form will be completed for all requests for certified mail.
 - b. For those inmates without funds available at the time of the request, the costs will be collected from the inmate as soon as funds become available in their trust fund.

V. Procedures for Inmate Access to Legal Materials

A. Access to Law Libraries

Institution law libraries will be open a minimum of 30 hours per week. Medium facilities with a minimum unit will have the minimum unit law library open for at least 6 of the 30 hours per week during which time the facility may close the law library for medium inmates. At no time will the law library be open without the law library supervisor and/or staff member present. All

Exhibit A" pgs 2

Section-03 Facility Operations

OP-030115

Page: 10

Effective Date: 10/29/2019

inmates, excluding segregation housing and community corrections centers will have access to the law library at least six hours a week, if the inmate has a verifiable court deadline that is less than 90 calendar days away. Unless otherwise noted, all other inmates, including those inmates in community corrections centers at which a local area law library is available, will be provided at least two hours a week access to the law library.

1. Inmates housed in a segregated housing or a restricted unit must submit a "Request for Legal Research Assistance" (DOC 030115C) to the law library. An inmate research assistant will respond to the request within two working days. The requesting inmate will be informed that an inmate research assistant will assist with legal research through the law library supervisor. In addition, the inmate will be informed that correspondence is not privileged, and all correspondence may be reviewed by a staff member to determine that correspondence guidelines are not violated. (5-4A-4268)
2. Inmates with a court imposed or other legal deadline that is less than 45 calendar days away may be allowed extra time in the law library. The law library supervisor will verify that a legal deadline exists. The inmate will be required to furnish the law library supervisor with written proof, including the jurisdiction and case number, that a deadline does in fact exist, and provide notice at least 20 days in advance of the 45-day time period.
3. No inmate who has an attorney representing them is entitled to access to the law library to obtain research materials for said case, as it is the responsibility of the inmate's attorney.

B. Other Legal Materials

1. Inmates are permitted to purchase, directly from a publisher or bookstore, legal materials needed to advance their research. This includes law books, treatises, and legal periodicals which are softbound. These materials will be provided at inmate expense. Inmates will be allowed to keep these materials in their cells, as long as the total space for legal materials does not exceed one cubic foot in accordance with OP-030120 entitled "Inmate Property." The inmate may also seek assistance of friends or family in obtaining statutes or case law.
2. In order to have access to statutes and case law concerning Oklahoma or federal law, which may not be available on the Legal Resource Center, inmates may request to purchase copies of cases from the office of the General Counsel. All such requests will be made on DOC 030115B entitled "Inmate Request for Legal Materials" (attached).
 - a. Requests for cases under this section are limited to cases

Exhibit A" page 3

Certificate Of Mailing

I, Chad William Reed, do hereby state that I have provided a true and correct copy of the forgoing Motion to Compel, by placing same in the Legal Mail Service of the Davis Correctional Facility, postage prepaid, on the 30th day of August, 2021, addressed to:
Court Clerk - Eastern District of Oklahoma
United State District Court

P.O. Box 607

Muskogee, Oklahoma 74401

Chad William Reed
Chad William Reed #584428
Davis Correctional Facility
6888 E. 133rd Rd.
Holdenville, Ok. 74848